

APPROVED

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
MANAGEMENT AND FISCAL POLICY COMMITTEE

Monday, November 29, 1999
9:22 A.M. to 11:35 A.M.
Council Hearing Room

PRESENT

Marilyn J. Praisner, Chair

Phil Andrews

Betty Ann Krahne

SUBJECT: **Franchise Agreement for Telecommunications System in Public Right-of-Way – KMC Telecom III, Inc.**

ACTION: Reviewed with Mr. Karp, KMC Telecom III, Inc, the language concerning in-kind compensation proposed to be incorporated in the subject franchise agreement, and recommended approval of additional language stating that KMC will provide two dark fiber optic strands throughout its telecommunications system for use by the County, and if the telecommunications system includes a cable or cables containing a total of more than 72 fiber optic strands for more than 50 percent of the length of the telecommunications system, KMC will make available to the County two additional dark fiber optic strands throughout the system where the total fiber optic strands exceeds 72. The language will also indicate that if KMC's obligation to provide two additional strands is activated, the obligation to provide a total of four strands will continue even if the system later falls below the activating circumstances.

Recommended approval of the KMC franchise agreement as revised.

Councilmember Andrews, lead Councilmember for Personnel, in the Chair.

SUBJECT: Bill 26-99. Collective Bargaining – Amendments

The Committee considered the memorandum and attachments from Senior Legislative Attorney Faden, dated November 29, 1999.

ACTION: Discussed legal issues and the retention of the County's budget authority as they relate to binding arbitration, including comments made by former Councilmember Hanna in 1984 concerning binding arbitration (page 8 of the Council meeting minutes of July 26, 1984, included in the Committee packet on page ©51).

Received a request from Councilmember Praisner for legal cases involving binding arbitration and a copy of the legislation enacted by Prince George's County on the subject.

Discussed the hybrid nature of the subject bill which provides that the economic issues would be decided on a last best offer total package basis and the arbitrator could decide each non-economic issue separately and would not be limited to the parties' offers, with Councilmember Praisner questioning who defines "economic" and "non-economic" issues, Mr. Faden expressing the view that the arbitrator defines these terms, Mr. Torgeson, Office of Human Resources (OHR), expressing the view that the Council would not be bound by the arbitrator's definitions of these terms, and Ms. Perez, Director, OHR, expressing the view that the matter should be clearly defined in the law to avoid ambiguity.

Received comments from Councilmember Praisner against the arbitrator defining "economic" and "non-economic" issues; from Councilmember Krahnke in support of the way these issues are defined in the law; and from Councilmember Andrews in support of the arbitrator making the determination.

Discussion continued concerning the determination of issues under binding arbitration, with the Committee agreeing to defer making a decision on this issue at the request of Ms. Perez who stated that she believes there is a need for management and union representatives to meet again on this issue and report back to the Committee.

Noted the amendments suggested by Montgomery County Government Employees' Organization/Local 400 (MCGEO) to the definitions of employees included in the collective bargaining units; agreed to recommend that the scope of the bargaining unit not be addressed in the subject legislation; and noted that Councilmember Subin plans to introduce separate legislation soon to expand the bargaining unit along the lines suggested by the MCGEO, with Mr. Thompson, attorney for the firm of Zwerdling, Paul, Leibig, Kahn, Thompson and Woly, and General Counsel for MCGEO, noting that on page ©38 of the Committee packet the brackets should be removed from §33-102(4)(P) and the term "lieutenant" should be double underscored.

Recommended that the deadline for the arbitrator's award be February 15, as recommended by the County Executive.

Discussed the Executive Branch proposal to amend the bill to allow the arbitrator to consider private sector wages and benefits in the entire Washington metropolitan area and the State, rather than only the County, with Councilmember Krahne agreeing with the proposed amendment, and the Committee agreeing to defer a decision to provide for further discussion of the issue among the parties.

Discussed the Executive Branch proposal to amend the bill to direct the arbitrator to not diminish or condition management rights in determining whether a collective bargaining item is negotiable (page ©24-25 of the Committee packet), and the viewpoint of Mr. Thompson that the amendment is not necessary due to language in the existing law, §33-107(b) that reads: "Employer rights. This article and any agreement made under it shall not impair the right and responsibility of the employer to perform the following ..." (page ©35 of the Committee packet), with Councilmember Andrews expressing the view that proposed changes to current management rights should not be addressed in the subject legislation, and Councilmember Krahne indicating her support for the Executive Branch proposal. Expressed no objection to Councilmember Praisner's suggestion that the issue be deferred to provide Executive Branch to respond to Mr. Thompson's belief that the language in the existing law is sufficient.

Discussed the advantages and disadvantages of the Executive Branch proposal to lengthen the maximum term of a collective bargaining agreement with MCGEO from three to five years; and agreed to defer a decision on the matter to obtain information on the experience of other jurisdictions on the issue.

Agreed to schedule another Committee meeting on Bill 26-99.

SUBJECT: Employees' Code of Ethics

The Committee considered the memorandum and attachments from Mr. Faden, dated November 24, 1999.

ACTION: Agreed to solicit comments from interested parties before discussing the subject issue, and instructed Council Staff to circulate the Committee packet, the Code of Ethics of the National Association of Counties (NACO), a research brief prepared by NACO on the creation of a County Code of Ethics, the City of Baltimore's Code of Ethics, and any additional material on the subject that Council Staff believes will be beneficial. Requested that comments be solicited from the Ethics Commission Task Force of the Montgomery County Civic Federation, the County Ethics Commission, the League of Women Voters, and Common Cause; and instructed staff to include a cover letter explaining that the Montgomery County Civic Federation is suggesting that the County approve a "Code of Conduct for County Government Service," and that the Committee would welcome any comments on the matter.

SUBJECT: Status Report on the Strategic Facilities Plan for County Organizations in the Rockville core area

The Committee had before it the memorandum from Legislative Analyst Sherer, dated November 22, 1999.

ACTION: Received a briefing from Mr. Mooney and Mr. White, Department of Facilities and Services; and Mr. Gibbs, the Vitetta Group.

Suggested that the Management Group consider space needs, technology, sharing of support functions, co-location for more efficiency; the needs of employees for various services such as day care, respite care, Automated Teller Machines (ATM), banking services, and dry cleaning should be considered and coordinated with the City of Rockville; and that the Courts and the City should be involved in the study.

Questioned the County Executive's intent to consider separating the Directors of various departments from the rest of the staff in the department.

Noted that the Ethics Commission was not on the survey form the Council filled out, and directed Council staff to report to the Committee on why the Board of Education has not yet transferred to the County the closed school at 401 Fleet Street.

SUBJECT: Juvenile Assessment Center

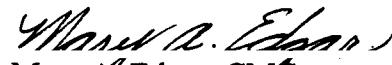
ACTION: Received a briefing from Dr. Luongo, Department of Health and Human Services Juvenile Justice Coordinator, on the planning for a Juvenile Assessment Center, including the work accomplished by an interagency group to determine what services could be co-located immediately to improve the juvenile justice system; and the recommendation of the work group that the long-term plan be for a Juvenile Justice Center that includes a full Circuit Court Family Division (including the Juvenile Division now in the District Court.)

Expressed support for the Juvenile Assessment Center and long-term plan; and expressed the desire to receive the co-location proposal as soon as possible, with Dr. Luongo advising that the work group determined the services can be accommodated at the 401 Fleet Street facility,

Received comments from Councilmember Praisner's that the previous agenda item, the update on the Rockville Core Plan, indicates that the Board of Education still owns 401 Fleet Street which may be against County policy. Requested staff to research this issue. Councilmember Andrews asked if there was a back-up site to 401 Fleet Street and was told there was not and a search would have to undertaken. Councilmember Krahne's asked if mental health evaluation would be a part of the assessment center services and if the assessment would look for signs of domestic violence. Dr. Luongo responded that mental health assessment would take place and that research is showing more and more the relationship between domestic violence and juvenile delinquency.

Received comments of support for the proposed immediate co-location from Lt. Delany, Youth Services Investigation Division, Montgomery County Police Department; Ms. Harris, Circuit Court Administrator; and Mr. Fiedler, Maryland Department of Juvenile Justice.

This is an accurate account of the meeting:


Mary A. Edgar, CMC
Clerk of the Council

Minutes written by: Charles H. Sherer, Legislative Analyst,
Linda McMillan, Legislative Analyst, and
Mary A. Edgar

APPROVED

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

EDUCATION COMMITTEE

Monday, November 29, 1999
2:07 P.M. to 3:15 P.M.
Council Hearing Room

PRESENT

Michael L. Subin, Chair

Nancy Dacek

Isiah Leggett

SUBJECT: FY 01 State Funding Request for School Construction

The Committee had before it the memorandum from Legislative Analyst Levchenko, attaching a draft resolution and joint letter, dated November 24, 1999.

ACTION: Discussed the Board of Education's revised request for 59.1 million in school construction funding for FY 01, and noted that approximately \$29 million of the request is contingent upon proposed changes in eligibility requirements. Mr. Hawes, Director of Facilities Management, and Mr. Lavorgna, Director of Planning and Capital Programming, Montgomery County Public Schools (MCPS), described the changes the Board of Education is requesting in the eligibility criteria. These changes include increasing the allowable cost per square foot for construction in FY 01 by 12.5 percent and increasing the allowable square footage per student by 20 percent. Council Staff also noted that the FY 01 request also included \$3.974 million related to cost increases for modernizations going to construction in FY 00, and that the increased costs are the subject of an emergency appropriation request before the Committee.

Discussed the draft joint State aid letter, and recommended amending the letter by adding language to clarify that Montgomery County supports State wide increases in school construction funding so that the needs of all jurisdictions can be met. Councilmember Dacek suggested adding language to note that nationwide trends as well as state wide initiatives are resulting in additional square foot requirements per student.

Recommended approval of the resolution as drafted by Council Staff consistent with the Board of Education's request.

SUBJECT: Emergency Appropriation to the FY 00 Capital Budget and Amendment to the FY 99-04 Capital Improvements Program (CIP) for MCPS in the Amount of \$10.5 million for Current Replacements/Modernizations (No. 926575)

The Committee had before it the memorandum from Mr. Levchenko, dated November 24, 1999.

ACTION: Discussed the request for an emergency appropriation, and noted that the emergency requests are not an ideal way to allocate resources, but that in this case the scope and timing of the project were not requested to change. The emergency appropriation is needed to cover construction cost increases that would otherwise require the deferral of the Wood Middle School modernization.

Recommended modifying the expenditure and funding schedule as proposed by Council Staff in order to more accurately reflect expenditures, be consistent with the FY01 State aid request previously recommended by the Committee, and stay within approved Spending Affordability Guidelines (SAG) for bond-funded expenditures. Noted that future supplemental requests should be considered on a case-by-case basis with regard to SAG.

Recommended approval of the emergency appropriation, as amended.

SUBJECT: Update – Print Shop Consolidation

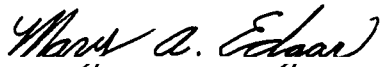
The Committee had before it the memorandum and attachments from Senior Legislative Analyst Hughes, dated November 23, 1999.

ACTION: Received a briefing from Mr. Edwards, and Mr. Jenkins, Department of Facilities Services (DFS) and Ms. Woods and Ms. Marks, MCPS, regarding the status of the effort to consolidate the Montgomery County Government and the MCPS print shops. Mr. Jenkins discussed how the Memorandum of Understanding (MOU) is the product of intense negotiations and the problems associated with pick up and delivery.

Noted that under the MOU, DFS and MCPS Staff will meet in six months to assess the status of consolidation and determine whether the goals set by the Council are being associated.

Recommended that the MOU be amended to indicate that if a Montgomery County Government Printer II position was permanently vacated than any Printer I employee would have an opportunity for advancement, rather than only MCPS employees.

This is an accurate account of the meeting:


Mary A. Edgar, CMO
Clerk of the Council

Minutes written by: Keith Levchenko, Legislative Analyst
Jennifer A. Hughes, Senior Legislative Analyst

Minutes edited by: Elda Dodson, Deputy Clerk

APPROVED

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

HEALTH AND HUMAN SERVICES COMMITTEE

AND

EDUCATION COMMITTEE

Monday, November 29, 1999
2:15 P.M. to 3:00 P.M.
Council Hearing Room

Health and Human Services Committee

PRESENT

Blair G. Ewing, Chair

Marilyn J. Praisner

Steven A. Silverman

Education Committee

PRESENT

Michael L. Subin, Chair

Nancy Dacek

Isiah Leggett

SUBJECT: Briefing: Early Childhood Initiatives

ACTION: Received a briefing from Ms. Byrne, Co-Chair of the Early Childhood Committee of the Collaboration Council for Children, Youth, and Families and Director, Family Services at Crossway Community. Discussed issues relating to building a system of services for children and families which is easy to access and involves all stakeholders in the planning process; and the expanded November 8 meeting held by the Early Childhood Committee to develop a conceptual system of care and identify the gaps and duplication of services.

Received a briefing from Ms. Prue, Co-Chair of the Early Childhood Committee of the Collaboration Council for Children, Youth, and Families, and Director, Early Childhood Services, Montgomery County Public Schools. Discussed the next steps and follow-up to the November 8 meeting, noting that these steps are in the early stages, and that a subgroup of participants will reconvene to examine early childhood initiatives already underway and determine where the infrastructures can align for better coordination.

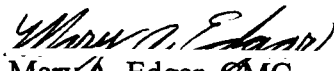
Noted Councilmember Praisner's comment that there is overlap between committees looking at similar issues, that improved program coordination and service delivery must remain the focus, and that a consultant should be hired to complete the information and data system tasks so that committees can focus on programs and move that work forward.

Noted Councilmembers concern regarding the timeline for completing the work of the Committees addressing children's issues, and emphasized the need to work with the network of the private sector in developing services and programs.

Noted Councilmember Ewing's comment that Ms. Rogan, Manager, Accountability and Customer Services, DHHS, briefed the Committees on the status of the Interagency Data Committee, and estimated that a complete system would take approximately two to three years to build.

Requested information about hiring a consultant to take an inventory of existing programs, identify who would be served, and develop an information system of data about both clients being served and those in need of services. Noted that Council Staff and the Early Childhood Committee Co-Chairs will follow up on the request.

This is an accurate account of the meeting:


Mary A. Edgar, CMC
Clerk of the Council

Minutes written by: Essie McGuire, Council Analyst
Edited by: Elda Dodson, Deputy Clerk